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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

Sergio Carbajal Garcia

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RM

-) Magistrate's Case No: '08 MJ 0632
-) COMPLAINT FOR VIOLATION OF:
-) 21 U.S.C. S 952 & 960 -
-) Importation of a Controlled Substance

The undersigned complainant being duly sworn states:

COUNT ONE

On February 29, 2008, within the Southern District of California, Sergio Carbajal Garcia, did knowingly and intentionally import approximately 307.95 kilograms (677.49 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Signature of Complainant
Special Agent, U.S. Immigration and
Customs Enforcement

Sworn to before me and subscribed in my presence this 3 day of March, 2008.



UNITED STATES MAGISTRATE JUDGE
CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

I, Special Agent Eric Povlish, declare under penalty of perjury, the following is true and correct:

At approximately 5:51 p.m., on February 29, 2008, Sergio CARBAJAL Garcia entered the United States from the Republic of Mexico via the Tecate (California) Port of Entry (POE). CARBAJAL was the driver of a white 1995 Freightliner tractor bearing California license plate 9D64286.

Customs and Border Protection Officer (CBPO) Jameson Toledo was conducting vehicle primary inspections at the Tecate, California, POE, when he was approached by CARBAJAL. CBPO Toledo received a negative Customs declaration from CARBAJAL. During the course of his inspection, CBPO Toledo discovered what appeared to be a non-factory compartment built under the bed in the sleeper cab of the tractor. CBPO Toledo told CARBAJAL to park the tractor so a more intensive inspection could be conducted.

On February 29, 2008, at approximately 5:50 p.m., CBPO Skinner was requested to conduct a 7-point inspection of the tractor driven by CARBAJAL. CBPO Skinner discovered packages containing a green leafy substance, which field-tested positive for marijuana, within a non-factory compartment located beneath the bed in the sleeper cab of the tractor. A total of eighty-five (85) packages were removed from the tractor with a total weight of 307.95 kilograms (677.49 pounds).

On February 29, 2008 at 11:34 p.m., San Diego Police Officer C. Canto informed CARBAJAL of his Constitutional rights per Miranda, reading directly from a pre-printed form in the Spanish language. LOPEZ expressed his understanding of

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those rights and signed in acknowledgment of that understanding, expressing his willingness to make a statement without the presence of an attorney. CARBAJAL stated he knew there was marijuana in the vehicle and that he was being paid an unknown amount of money to take the vehicle to Tecate, California. CARBAJAL stated he was directed to park the vehicle on the street and walk back to Mexico, where he would be paid. CARBAJAL was subsequently transported and booked into the Metropolitan Correctional Center pending federal prosecution.

Executed on March 1, 2008 (date) at 4:44 pm (time).

E. P. M.

Special Agent, US Immigration and Customs Enforcement

On the basis of the facts presented in the probable cause statement consisting of 2 pages, I find probable cause to believe that the defendant(s) named in this probable cause statement committed the offense on 2/25/08 in violation of Title 21, United States Code, Section(s) 952 & 960.

D. P. M.
United States Magistrate Judge

3/1/08 @ 5:20 pm
Date/Time